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10/080,518	02/25/2002	Scott Rawlings	6304.610	8643

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EXAMINER

LE, TAN

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 05/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/080,518

Applicant(s)

RAWLINGS ET AL.

Examiner

Tan Le

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) 34-36,43,44,49-51,55,57 and 58 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 40 is/are allowed.
- 6) ☒ Claim(s) 1-16,18,24-33,37-39,41,42,45-48,52-54,56 and 59 is/are rejected.
- 7) ☒ Claim(s) 17 and 19-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This is the third office action for application serial number 10/080,518. This third office action is in response to Applicants' election filed 2/21/03 and entered as paper # 11. Currently, this application contains 59 claims numbered 1-59.

2. Applicants' election with traverse of the invention group I, the species of Figures 1-15 including claims 1-33 and 37-59 of Paper # 11, is acknowledged.

Applicants' argument that claims 34-36 are drawn to a method of mounting a pen-enabled computer display (PED) on a stand as claimed would not be practiced with a materially different product. This is not found persuasive because: (a) Applicant fails to convince as to why the process for mounting a PED on a stand (product) as claimed would not be practiced with a materially different product; (b) The product as claimed (a stand) can be used/mounted in a materially different process such as the process of mounting for a LCD or a Camera as pointed out on paragraph 4 of the previous office action; (c) the inventions of Group I and Group II are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicants further argue, "There is adequate disclosure providing relationship between species as claimed by Applicants. Therefore request to withdrawn the species election requirement". This argument is also not found persuasive because it is unclear what kind of relationship between the species that Applicants intended to point out.

Applicants contend that claim 1 is generic (readable) to all species but does not point out that the remained claims (except method claims) are readable or not readable

on the species elected as required on paragraph 8 of the previous office action. The examiner however will assume that Applicants' intention is to include all the claims (1-33 and 37-59) that are readable on the species elected.

Claim 1 recites a boss *projecting from a rear housing* which under disclosure is found in the species of Figures 1-15, but not found in the species of Figures 16-18; the species of Figs. 19-21; and the species of Figs. 22-25. The argument of claim 1 is generic to all species is therefore not persuasive.

The following claims 43-44, 49-51, 55 and 57-58 are also not readable on the elected species of Figs. 1-15 because of the following reasons:

Claim 43 recites the bearing member comprises a boss having a T-shaped cross section, which under disclosure is found in the species of Figs. 16-18; the species of Figs. 22-25, but found not the species of Figs. 1-16. (Note that claim 43 depends upon claim 42, which recites the bearing member is located on the support).

Claim 44 recites a chamber in the housing having an inner width greater than an opening width, which under disclosure is found in the species of Figs. 16-18; and the species of Fig. 22-25, but not found in the species of Figs. 1-16. (Note that claim 44 also depends upon claim 43).

Claims 49-51 recites the platform comprising a cradle wherein the cradle comprise an opening in which the bearing is received, which under disclosure is found in the species of Figs. 19-21, but not in the species of Figs. 1-16.

Claim 55 recites an opening comprises a pair of angled sidewalls meeting at vertex, which under disclosure is found in the species of Figs. 22-25, not in the species of Figs. 1-16.

Claims and 57-58, recite at least one projection includes a flange, which under disclosure is found in the species of Figs. 16-18 and the species of Figs. 22-25, but not found in the species of Figs. 1-16. (Note that claim 57 recites a projection of the support, see claim 54).

The requirement is therefore still deemed proper and is therefore made FINAL.

3. Currently claims 1-33, 37-42, 45-48, 52-54, 56 and 59 are readable on the elected invention and an examination follows below. Upon the allowance of a generic claim, applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141. If claims are added after the election, applicants must indicate which are readable upon the elected species. M.P.E.P. § 809.02(a).

4. Claims 34-36, 43-44, 49-51, 55 and 57-58 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions/species, there being no allowable generic or linking claim.

Oath/Declaration

5. The oath/ declaration submitted in response to Notice of Missing Parts filed 5/20/02 has been received. The oath /declaration, however, is defective. The

oath/declaration is defective because: Non-dated alterations have been made to the oath or declaration. See 37 CFR 1.52(c). The first inventor has signed the oath/declaration but the date execution has been omitted. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

Specification

6. The disclosure is objected to because of the following references described in specification but failed to show on the drawings:

Page 14, line 14, "outer faces 54".

Page 17, line 16, "channels 136".

Page 20, line 3, "notch 85".

Page 22, line 7, "front side 202".

The following changes should be correct:

Also on Page 15, line 2, "rear leg 18" should be changed to – rear leg 14 --.

Page 17, line 7, "hinge 92" should be changed to – hinge 90 --.

Page 22, line 16, "boss 204" should be changed to – notch 204"

Page 23, line 13, "display 306" should be changed to – display 316 --

Appropriate correction is required.

Claim Objections

7. Claim 24 is objected to because of the following informalities: "the angle" lacks of antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,189,850 to Liao et al., hereafter "Liao".

Regarding claim 1, Liao discloses a rotatable LCD screen device, comprising a display (1) and a support stand (2); the display comprising a housing having a front, a rear and a screen wherein the screen is mounted on the housing front; a boss (115, 22) projecting from the housing rear; and the stand having a bearing surface (23) for receiving the boss and removably and rotatably supporting the display.

Regarding claims 2-3, Liao discloses that the boss is detachably secured to the housing by the carrier (11); and the boss includes a centerline normal to the display and a generally circular cross section normal to the centerline.

Regarding claim 4, Liao also discloses that the boss includes a first end adjacent the housing and a second end spaced from the housing, the second end including a flange (225).

Regarding claims 5-6, Liao further discloses that the bearing surface comprises an arc of a circle and the arc is greater than 180 degrees.

Regarding claim 7, Liao further discloses that the stand comprises a plate member having a thickness, the bearing surface is located in the plate member, and the flange is spaced from the housing by a distance substantially equal to the plate thickness.

Regarding claim 8, Liao also further discloses that the circular arc has a first and second ends spaced apart by a first distance and the boss has a minor axis shorter than the first distance and a major axis longer than the first distance.

Regarding claim 9, Liao discloses the bearing surface having first and second ends and the plate member including first and second walls extending first and second ends.

Regarding claims 10-11, Liao discloses that the boss is centrally located on the rear housing wherein the housing is rotatable on the stand between a portrait orientation and a landscape orientation

Regarding claims 12 and 13, Liao also discloses at least one stop (122,121) for selectively holding the housing in either the portrait or the landscape orientation with respect to the stand.

Regarding claim 27, Liao also discloses that the boss has a generally T-shaped cross section.

Claims 1-6, 10-13, 27, 37-39, 41-42, 45, 52-54 and 56 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,687,939 to Moscovitch

Regarding claim 1, Moscovitch discloses a dual display system comprising: a display (14, 16) and a support stand (18, 20, 158, 160); the display comprising a

housing having a front and a rear, a screen mounted on the housing front and a boss (32, 60, 170, 182) projecting from the housing rear; and the stand having a bearing surface (56, 172) for receiving the boss and removably and rotatably supporting the display.

Regarding claim 2, Moscovitch also discloses that the boss is detachably secured to the housing (Fig. 20).

Regarding claim 3, Moscovitch discloses the boss including a centerline normal to the display and a generally circular cross section normal to the centerline.

Regarding claim 4, Moscovitch discloses that the boss includes a first end (182, 190 (Fig. 20)) adjacent the housing and a second end spaced from the housing, the second end including a flange (170).

Regarding claims 5-6, Moscovitch also discloses that the bearing surface comprises an arc of a circle and the arc is greater than 180 degrees.

Regarding claims 10-11, Moscovitch also discloses that the boss is centrally located on the rear housing; and the housing is rotatable on the stand between a portrait orientation and a landscape (vertical) orientation (horizontal) (Figs. 17 & 18).

Regarding claims 12 and 13, Moscovitch further discloses a stop (84) for limiting the rotation of the display with respect to the stand; and at least one stop (tab 82 restricted up to 90degrees) for selectively holding the housing in either the portrait or the landscape orientation.

Regarding claim 27, Moscovitch also discloses the boss having a generally T-shaped cross section (Fig. 20).

Regarding claims 37-39, Moscovitch as discussed in the above claims, therefore also discloses the limitations recited in claims 37-39 are similar to those limitations.

Regarding claims 41-42, claims 41-42 also recite limitations similar to those claimed limitations as discussed above which includes a bearing member mounted on the support; a receiver (boss) mounted on the display wherein the receiver is removably and rotatably receiving the bearing member and supporting the housing, are therefore, also disclosed by Moscovitch.

Regarding claim 45, Moscovitch discloses a stand comprising a base; and a support means (18) for rotatably supporting and releasably securing a display on the base.

Regarding claims 52-54, Moscovitch discloses a bearing member mounted on the display (boss); a support (56) mounted on the stand wherein the support is removably and rotatably receiving the bearing member and supporting the housing; the bearing includes at least one opening for receiving at least one projection.

Regarding claim 56, Mocovitch also discloses that the bearing means includes positioning means (62, 178) for positioning the at least one projection with respect to the bearing means.

Claims 1-2, 4-6, 12, 14-16, 18, 24-31, 37-39, 41-42, 45-48, 52-54, 56 and 59 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,018,847 to Lu

Regarding claim 1, Lu discloses a hinge axle device for a LCD monitor, comprising a display (not shown) and a support stand (40); the display comprising a housing having a front and a rear, a screen mounted on the housing front and a boss

(10, 601) projecting from the housing rear; and the stand having a bearing surface (34, 35) for receiving the boss and removably and rotatably supporting the display.

Regarding claim 2, Lu also discloses the boss being detachably secured to the housing by the carrier (50).

Regarding claim 4, Lu discloses that the boss includes a first end adjacent the housing and a second end spaced from the housing, the second end including a flange (either an end of pivot 10 or element 62).

Regarding claims 5-6, Lu also discloses that the bearing surface comprises an arc of a circle (601, 10) and the arc is greater than 180 degrees.

Regarding claim 12, Lu also discloses a stop (32, 33) for limiting the rotation of the display with respect to the stand.

Regarding claims 14-16, Lu discloses that the stand comprises first and second hingely connected legs and the legs are connected by at least a hinge and the hinge is selectively lockable in at least two positions.

Regarding claim 18, Lu discloses that the hinge comprises at least a balance spring (70).

Regarding claims 24-26, Lu discloses that the hinge is lockable to prevent an angle between the first and the second legs from increasing or decreasing by having a first lock and a second lock (72, 73, 11 generally) and at least one actuator (20, 20) for releasing the first and the second lock respectively.

Regarding claim 27, Lu also discloses that the boss has a generally T-shaped cross section (the pivot 10).

Regarding claim 28, Lu discloses a stand and a display wherein the display comprises a housing having a boss projecting therefrom and the stand comprises first and second hingedly connected supports and a channel in which the boss is removably and rotatably received, the first and second supports being selectively lockable in at least two positions.

Regarding claims 29-30, Lu discloses the channel being arcuate and the boss including an arcuate outer surface.

Regarding claim 31, Lu, therefore also discloses claims 31 recites limitations similar to those limitations recited in claims 28-30.

Regarding claim 37, the limitations recited in claims 37 are also similar to those limitations as discussed above in claims 1, is therefore also disclosed by Lu.

Regarding claims 38-39, Lu also discloses the boss having a circular cross section and the boss is mounted at a first location on a first side and therein the first side is substantially smooth at all locations other than the first location.

Claims 41-42 recite limitations similar to those claimed limitations as discussed above which includes a bearing member mounted on the support; a receiver (boss) mounted on the display wherein the receiver removably and rotatably receiving the bearing member and supporting the housing, are therefore, also disclosed by Lu.

Regarding claim 45, Lu also discloses a stand comprising a base (43); and a support means (30, 32, 33) for rotatably supporting and releasably securing a display on the base.

Regarding claim 46, Lu discloses the base comprising first and second hingedly connected legs lockable in at least two different angular relationships.

Regarding claims 47-48, Lu discloses that the support means comprises a portion of the first leg; and the support means also comprises a platform (50) rotatably attached to the first leg.

Regarding claims 52-54, Lu also discloses a bearing member mounted on the display rear housing (boss); a support (30, 32, 33) mounted on the stand wherein the support is removably and rotatably receiving the bearing member and supporting the housing; the bearing includes at least one opening (601) for receiving at least one projection.

Regarding claim 56, Lu also discloses that the bearing means includes positioning means (61) for positioning the at least one projection with respect to the bearing means.

Regarding claim 59, Lu also discloses that the stand includes first and second legs for supporting the display at a plurality of different angles with respect with respect to the support surface.

Claims 41-42, 45-48, 52 and 59 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,668,570 to Ditzik.

Regarding claims 41-42, Ditzik discloses a display comprising a housing having a front and a rear and a screen mounted on the housing front; a bearing member (5) mounted on the support (4); a receiver (hole for hinge 5) mounted on the display

wherein the receiver removably and rotatably receiving the bearing member and supporting the housing

Regarding claim 45, Ditzik discloses a stand comprising a base (6, 20, 8, 12, 16); and a support means (20A, 20B, 14A, 14B, 17, 19, 4) for rotatably supporting and releasably securing a display on the base.

Regarding claim 46, Ditzik also discloses the base comprising first and second hingedly connected legs (16A, 16B) lockable in at least two different angular relationships.

Regarding claims 47-48, Ditzik discloses that the support means comprises a portion of the first leg; and the support means also comprises a platform (4) rotatably attached to the first leg.

Regarding claim 52, Ditzik discloses a bearing member (for hinge 5) mounted on the display housing; a support mounted on the stand wherein the support is removably and rotatably receiving the bearing member and supporting the housing.

Regarding claim 59, Ditzik also discloses the stand includes first and second legs (8, 12) for supporting the display at a plurality of different angles with respect with respect to the support surface.

Claims 28, 31-33 and 37-39 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,251,102 to Kimble.

Regarding claim 28, Kimble discloses a display (16) and a stand (21) wherein the display comprises a housing having a boss (24) projecting therefrom, and the stand

comprises first and second hingedly connected supports (where the screw/hinge 22 inserted) and a channel (L-shaped channel) in which the boss is removably and rotatably received, the first and second supports being selectively lockable in at least two positions.

Regarding claims 31-33, Kimble discloses a digitizer (16) having a display screen and a stand (21), the digitizer including a housing having a boss (24) and the stand comprising first and second hingedly connected supports (where the screw/hinge 22 inserted) and a channel (L-shaped channel) in which the boss is removably and rotatably received, the first and second supports being selectively lockable in a first position for holding the digitizer at a first angle with respect to a support surface and a second position for holding the digitizer at a second angle with respect to a support surface, wherein the first angle is greater than 45 degrees and the second angle is less than 45 degrees; wherein the first position comprises a display position (Figs 1 or 4) and a second position comprises a tablet position (Fig. 3)

Regarding claims 37-39, Kimble also discloses a housing, a display screen mounted in the housing; and a boss projecting from a first side of the housing, the boss having a flange and the boss also having a circular cross section and the boss is mounted at a first location on a first side and wherein the first side is substantially smooth at all locations other than the first location.

Allowable Subject Matter

9. Claims 17, 19-23 are objected to, but would be allowable if rewritten independent form to include all of the limitations of the base claim and any intervening claims.

Claim 40 is allowed.

10. The following is a statement of reasons for the indication of allowable subject matter: The reason for indicating the allowable subject matter is the claimed recitation of a first leg connected to a second leg by a lockable hinge including a spring clutch and a balance spring, the first leg and the second leg lying generally different planes, the first and second legs being shiftable between a first position wherein the first leg and the second leg meet at an obtuse angle and a second position wherein the first leg and the second leg meet at an acute angle; and the first leg is covered with a high friction material and a portion of the second leg is covered with a lower friction material in combination with other elements recited as recited in claims 40 and other objected claims 17 and 19 –23 respectively.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6,554,238 to Hibberd	6,510,049 to Rosen
6,443,408 to Hung	6,430,038 to Helot et al.
6,262,885 to Emma et al.	6,556,435 to Helot et al.
6,437,975 to Huang.	6,532,628 to Kim
6,418,010 to Sawyer	6,347,433 to Novin et al.
6,047,939 to Kim	4,564,166 to Craft et al.

The above patents disclose various types of relatable display supports.

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12. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tan Le, whose telephone number is 703.305.8244. The Examiner can normally be reached on Tuesday through Thursday, 9:00-6:00 and alternating Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on (703) 308-2156. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for official communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this Application should be directed to the Group receptionist at 703.308.2168.

A handwritten signature in black ink, appearing to read 'Tan Le', is positioned above the printed name and title.

Tan Le
Patent Examiner
AU 3632
May 16, 2003.